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| 10/749,415 | 12/31/2003 | R. Kevin Ray | 578340326172 | 9563 |

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| EXAMINER | |
|---|---|
| RIGGLEMAN, JASON PAUL | |

| ART UNIT | PAPER NUMBER |
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| 1792 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/749,415 | RAY, R. KEVIN | |
| | Examiner | Art Unit | |
| | JASON P. RIGGLEMAN | 1792 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *13 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) *19-38* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Status of Claims*

1. Applicant's reply filed on 8/13/2008 is acknowledged. Current pending claims are 1-38. Claims 1 and 4 are amended. Claims 39-42 have been cancelled. Claims 19-38 are withdrawn as being drawn to a non-elected invention.

### *Response to Arguments*

2. Applicant's amendments, filed 8/13/2008, have been fully considered. The applicant states that Examiner "implied", in the previous Response to Arguments, that Gregory does not teach selecting a fluid plus a second chemical in the *high* pressure range. Examiner disagrees: the previous Office action merely stated that this was not necessary to teach since it was not claimed. The applicant has amended the claim such that "the pressure washer can spray both a fluid alone and a fluid plus a second chemical". This limitation is not enabled by the specification (see below). The rejections are maintained. It is suggested that the applicant claim the invention in terms of structure rather than a long string of vague functional language (see claim 1) which precludes a thorough search.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention. The limitation "with a user being capable of selecting the spray as fluid only or fluid and a second chemical at any time" is not enabled. For instance, the Figs. 15-16, and the description of the operation of the venturi 82, pg. 9. It is the position of the Examiner that either fluid only could be sprayed or only fluid and a second chemical could be sprayed since the Venturi effect would occur in both situations or not at all. In other words, the sliding of the injector body is not seen to be capable of completely controlling the venturi injection. Further a similar problem is seen with the limitation "a pump having a fluid inlet for a fluid and a first chemical inlet for a first chemical said pump being configured to selectively pump a fluid at a pressure that ranges from low to high and to selectively pump a fluid combined with a first chemical in a low pressure range". It would be expected the venturi injection would take place at both a high-pressure and a low-pressure. Furthermore, it is not understood what is meant by a "selectively pump a fluid at a high pressure". The specification does not teach this.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. The term "high pressure" and "low pressure" in claims 1-18 are relative terms which render the claims indefinite. The terms "high pressure" and "low pressure" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-5 and 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory (US Patent No. 6164496) in view of Teague (US Patent No. 5383605).

9. Gregory teaches the use of a cleaning apparatus with an injector which has a movable external member (outer assembly 24) that partially surrounds the nozzle 38. The injector has an internal 123 and external 112 passageway, and the movable external member 24 is positioned partly around the nozzle 38 and the external passageway 112. The external member 24 has a valved chemical inlet 92 (second venture) positioned downstream from the nozzle 38. The injector is configured to spray at least one of a fluid in the low-pressure range and a fluid in a high-pressure range **("selectively")** (Column 1, Lines 25-57)(Column 2, Lines 59-62). Gregory also teaches a chemical supply (second chemical housing) (in reservoir 112) connected to the second chemical inlet 92. The piece 34 may be considered the spray lance. The nozzle tip (valve stem 120) has a flow restricting portion.

10. Gregory does not teach a first chemical inlet for the pump; a motor associated with the pump; and a spray gun with a trigger and handle; however, Teague teaches a power-spraying device with a pump 58 that has a plurality of solenoid-controlled fluid inlets 63, 64, and 65. The fluid inlets are fed from three chemical tanks 68, 70, and 72, respectively, into fluid passageway 67 and then to the pump 58. A spray wand 40 is connected to the nozzle housing 4 that is connected by hose 44 to the pump 58. A motor 56 is associated with the pump 58. The spray wand 40 has a handle 70 and trigger 78, Fig. 2) for controlling fluid flow (Columns 3-4, Lines 10-68, Lines 0-38). It would have been obvious to one of ordinary skill in the art at the time of

the invention to modify Gregory with Teague to inject detergent downstream of the pump to create a power-spraying device that effectively mixes detergent with water for cleaning.

11. In regards to claim 15, Gregory and Teague do not specify the use of a non-corrosive external member and metallic nozzle; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory and Teague to create a spraying apparatus with nozzles/external members resistant to corrosion yet capable of withstanding high-pressure fluid flow.

12. In regards to claim 16, Gregory and Teague, do not teach a second venturi coupled upstream to the pump of the first chemical element; however, the use of a Venturi to inject chemicals is common in the art and it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory as modified by Teague to create a Venturi fed upstream chemical inlet to achieve the expected result.

13. In regards to claim 18, Gregory does not teach the specific pressure values for the high and low pressure ranges; however, it has been held that it would have been obvious to one of ordinary skill in the art at the time of the invention have determined the optimum value for a cause effective variable through routine experimentation (*In re Woodruff,* 16 USPQ 2d 1934, 1936 (Fed. Cir. 1990). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gregory such as to use the optimum pressure values for washing a car.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory (US Patent No. 6164496) and Teague (US Patent No. 5383605), as applied to claims 1-3, above, and further in view of Kranzle (US Patent No. 5405086).

15. Gregory and Teague do not teach a cart for housing the chemical supply unit and the pump; however, Kranzle teaches the use of a cart consisting of a housing 2 with wheels 5 for supporting a chemical supply unit 12 and pump 7. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Teague and Gregory with Kranzle to create a mobile pressure-cleaning device.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art Unit 1792

Jason P Riggleman
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